

PATENT APPLICATION
ATTORNEY DOCKET NO.:RC-0011-P12

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
James BRUGGER)
Serial No.: 08/876,445) Examiner:
Filed: June 16, 1997) Group Art Unit: 2213
For: DIFFERENTIAL CONDUCTIVITY)
HEMODYNAMIC MONITOR)

Assistant Commissioner for Patents
Washington, DC 20231

Petition to Correct Inventorship

Under 37 C.F.R. 1.48

1. The originally named inventor in the above-identified application for patent, by and through the undersigned patent counsel of record, hereby petitions to add two additional inventors under 37 C.F.R. 1.48.

2. James M. Brugger was correctly named as sole inventor when the above application was filed.

3. A Preliminary Amendment filed in this case added subject matter to which Inventors Francis T. Ogawa and George W. Buffaloe, IV contributed. This subject matter was fully disclosed in the parent application, U.S. Application Serial No. 07/954,584 filed September 30, 1992, which named all three inventors.

4. Because the Preliminary Amendment filed in this case was a prosecution decision made by patent counsel, the originally named inventor, James M. Brugger, was unaware of

that a correction of inventorship was necessary until informed to that effect by patent counsel. Mr. Brugger agreed to execute a new declaration naming all three inventors.

5. Bruce R. Winsor, patent counsel of record in this case, is the party having firsthand knowledge of how and when the omission occurred, and as such, the accompanying Verified Statement of Facts by Bruce R. Winsor explains the circumstances surrounding the necessity to add Inventors Ogawa and Buffaloe in this application.

Based on the foregoing, as well as the supporting documents submitted herewith, the originally named inventor in the above-referenced application respectfully submit that the addition of Francis T. Ogawa and George W. Buffaloe, IV as inventors of subject matter recited in the pending claims is appropriate, and respectfully requests that they be added as inventors, pursuant to 37 C.F.R. 1.48.

Respectfully submitted,

1/20/98
Date



Bruce R. Winsor
Registration No. 34,281
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VERIFIED STATEMENT OF FACT
IN SUPPORT OF PETITION TO CORRECT INVENTORSHIP
UNDER 37 C.F.R. 1.48

1. My name is Bruce R. Winsor. I am Assistant General Counsel, Assistant Secretary, and Patent Attorney for COBE Laboratories, Inc., assignee of the above-referenced application for patent.

2. I am a registered patent attorney, Registration No. 34,281 and am patent counsel of record in the above case.

3. The present application is a continuation-in-part of U.S. Application Serial No. 08/332,647, (the "'647 application"), filed November 1, 1994, which was a continuation of U.S. Application Serial No. 07/954,584, (the "'584 application"), filed September 30, 1992.

4. When the present application was filed, Inventor James M. Brugger was correctly named as sole inventor of the subject matter contained in the claims as originally filed.

5. A Preliminary Amendment filed in this case necessitates the addition of the other inventors named in the parent case, the '584 application, Francis T. Ogawa and George W. Buffaloe, IV. The claims as submitted in the Preliminary Amendment added subject matter to which Inventors Ogawa and Buffaloe contributed and which was disclosed in the parent, '584 application.

6. All inventors were unaware of the error until notified by my office that a Preliminary Amendment to the present application added inventive subject matter of Inventors Ogawa and Buffaloe, and that the execution of a new Declaration and Power of Attorney would be necessary to add them as inventors in this case. As the accompanying Declaration and Power of Attorney reflects, all three inventors agreed to execute the new document and that the addition of Inventors Ogawa and Buffaloe is appropriate.

1/20/98
Date


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